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In re Application of :  
Handa et al. : DECISION ON PETITION TO  
Serial No.: 10/073,548 : WITHDRAW THE HOLDING  
Filed: February 11, 2002 : OF ABANDONMENT  
Attorney Docket No.: 07064-012001/0820-NF236 :

This is in response to applicants' petition under 37 CFR. § 1.8(b), 37 CFR § 1.181(a), and MPEP 711.03(c) filed on May 28, 2004, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed July 15, 2003.

A review of the file history shows that the examiner mailed an Office action (restriction requirement) to applicants on July 15, 2003, setting a one-month statutory time period for reply. On April 4, 2004 the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a petition for a one-month extension of time and a response to the Office action were timely filed on September 4, 2003, as evidenced by the properly executed Certificate of First Class Mailing on the reply. Applicants provide a copy of the petition for a one-month extension of time with the requisite fee, a response to the Office action with the petition, and a declaration by John W. Freeman, esq. attesting to the fact that the response was mailed on September 4, 2002. In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. The application is restored to pending status with the mailing date of this decision and will be forwarded to the examiner for consideration of the elected invention on the merits.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

  
Bruce Kisliuk  
Director, Technology Center 1600